

**MINUTES OF THE
REGULAR COUNCIL MEETING
CITY OF AUSTELL
MONDAY, APRIL 2, 2007**

Present: Joe Jerkins, Mayor
Kirsten Anderson
Beverly James Boyd
Virginia Reagan
Scott Thomas
David "Bo" Traylor

Absent: Randy Green
Denise Soesbee

The regular meeting of the Mayor and Austell City Council was held on April 2, 2007, at 7:00 P.M. at City Hall.

Also present were: Scott Kimbrough, City Attorney; Carolyn Duncan, City Clerk; Sandra Farmer, Assistant Director, General Administration; Randy Bowens, Public Works Director; Jim Graham, Community Development Director; Bob Starrett, Police Chief; Tim Williams, Fire Chief.

1. CALL TO ORDER

Mayor Jerkins called the meeting to order. Adam Walker, Minister of Students and Community, Austell First Baptist Church, gave the Invocation. Mayor Jerkins led the Pledge of Allegiance. Mayor Jerkins asked if any member of the Council would like to add items to the agenda. None were added. Mayor Jerkins presented ten years of service plaques to Duane Demeritt, Public Works; Nancy Henson, Court Services; and Officer Tim Koutlas, Police Department. Mayor Jerkins thanked each one for their dedication and efforts for the last ten years. Bo Traylor presented Duane Demeritt with a ten year service pin and thanked him for his years of service to the City of Austell. Kirsten Anderson presented Nancy Henson with a ten year pin and thanked her for her years of service to the City of Austell. Virginia Reagan presented Officer Tim Koutlas with a ten year pin and thanked him for his years of service to the City of Austell. Mayor Jerkins asked if anyone was present to pickup the Proclamation for Cobb Underage Drinking Task Force Resolution. No one was present to receive the Proclamation.

2. CONSENT AGENDA – INFORMATION AND UPDATE

(No Action Required by Council – See Specific Department Director before Meeting.)

3. CONSENT AGENDA

- A. Approve Bills
- B. Approve Legal Bills \$3,673.01
- C. Approve Minutes of Regular Meeting March 5, 2007

Mr. Traylor moved to follow the recommendation of Mayor Jerkins to approve the Consent Agenda. Seconded by Ms. Reagan. Motion passed (5-0).

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4. EXCEPTION TO CONSENT AGENDA

5. CITIZENS REPORT

Mayor Jerkins asked if anyone would like to speak to Mayor and Council. No one spoke.

6. GAS SYSTEM REPRESENTATIVE

JOE JERKINS

Mayor Jerkins stated Scott Kimbrough, City Attorney, attended the gas board meeting. Mr. Kimbrough stated the discussion was the adoption of gas rate applicable for this billing period.

7. FINANCE DEPARTMENT

BEVERLY JAMES BOYD, CHAIRPERSON

Denise Soesbee, Director

A. Financial Report

8. GENERAL ADMINISTRATION

KIRSTEN ANDERSON, CHAIRPERSON

Carolyn Duncan, Director

A. Yard of the Season – Beatrice de Santiago

Ms. Anderson stated the Yard of the Season was awarded to Beatrice de Santiago from Ward 2 and the award was presented at the pre-agenda meeting.

9. POLICE DEPARTMENT

VIRGINIA REAGAN, CHAIRPERSON

Bob Starrett, Chief

A. Police Report

B. Code Enforcement Report

C. Camera System

Ms. Reagan stated Steve Shield, with Local Government Risk, completed a safety inspection of the Finance Department and Police Department.

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His recommendations include the installation of a camera system and cameras to be installed in the lobby of the Finance Department and at various locations in the parking lots and in the buildings. Chief Starrett has contacted three camera companies, but has been able to get only one to submit a bid. This is involving specialty items and the Police Committee requests that Council waive the three bid procedure and accept the bid from NU-TECH-USA for equipment purchase and installation. The total cost, \$9,804.62, would be split between the Finance Department and the Police Department.

Ms. Reagan moved to follow the recommendation to approve the installation of a camera system. Seconded by Mr. Thomas. Motion passed (5-0).

D. Inmate Housing Costs

Ms. Reagan stated attached is the Inmate Housing cost for 2006-2007. The amount due is \$4,777.56 and the invoice is attached. According to the Finance Director, this is paid from 100/(No Division) 35.1403. The Police Committee requests that Council approve this payment.

Ms. Reagan moved to follow the recommendation of the Police Committee to approve the Inmate Housing Costs. Seconded by Ms. Boyd. Motion approved (5-0).

E. Officer Quibell's K-9

Ms. Reagan stated Officer Quibell's Police K-9, Blestor, was put to sleep due to health complications last month. Officer Quibell has a five (5) year old German Shepherd, Arko, which he would like to work in place of Blestor. The Police Committee request Council to approve Arko as an Austell Police K-9 and if for any reason Officer Quibell leaves the City of Austell he would take Arko with him. Officer Quibell will be asked to sign a Hold Harmless Agreement to this effect.

Ms. Reagan moved to follow the recommendation of the Police Committee to approve Officer Quibell's K-9 to work in place of Blestor. Seconded by Ms. Boyd. Motion passed (5-0).

F. Texaco Food Mart – Alcohol Permit Request

Ms. Reagan stated the Police Department has received an application for an Alcohol Beverage License for the property located at 2671 Jefferson

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Street. The applicant, Husein Khimani, has submitted his fingerprints for a background check. The background check revealed no prior criminal history to deny this request. A copy of the application is attached.

Ms. Reagan moved to follow the recommendation of the Police Committee to approve the Texaco Food Mart Privilege License request excluding the liquor license. They will be selling Packaged Beer and Wine in their store. Seconded by Mr. Thomas. Motion passed (5-0).

G. C's Domino – Alcohol Permit Request

Ms. Reagan stated the Police Department has received an application for an Alcohol Beverage License for the property located at 6205 Veterans Memorial Highway. The applicant, Courtney James, has submitted his fingerprints for a background check. The background check revealed no prior criminal history to deny this request. A copy of the application is attached.

Ms. Reagan stated the owner needs to be notified in reference to SDF fees and Mr. Bowens agreed and stated he would notify the owner again.

Ms. Reagan moved to follow the recommendation of the Police Committee to approve C's Domino – Alcohol Permit Request. Seconded by Mr. Thomas. Motion passed (5-0).

**10. FIRE DEPARTMENT
SCOTT THOMAS, CHAIRPERSON
Tim Williams, Fire Chief**

A. Fire Report

B. Unsafe Update on the Browning Property

Mayor Jerkins stated Ray Barnes has purchased the property and will close on the property on 4/6/07. Mayor Jerkins stated he was certain Mr. Barnes would make a very attractive home on this property. Mayor Jerkins suggested to the Council to table this item until the May 7 Council Meeting.

Mr. Thomas moved to follow the recommendation of Mayor Jerkins to table this item until the May 7, 2007, Council Meeting. Seconded by Mr. Traylor. Motion passed (5-0).

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11. PUBLIC WORKS DEPARTMENT

**DAVID “BO” TRAYLOR, CHAIRPERSON
Randy Bowens, Director**

A. Humphries Hill Road Intersection Improvements Easement Donation

Mr. Traylor stated the Cobb County Department of Transportation has initiated a project to improve the intersection at Humphries Hill Road and C.H. James Parkway. In order to construct the project, Cobb County will need to acquire 254 square feet (0.0006 acres) right-of-way and 977 square feet (0.022 acres) of permanent drainage easement.

Mr. Traylor moved to follow the recommendation of the Public Works Committee to authorize Mayor Joe Jerkins to execute the appropriate documents. Seconded by Ms. Boyd. Motion passed (5-0).

B. Resurfacing – SPLOST

Mr. Traylor stated it is the recommendation of the Public Works Committee to contract resurfacing of the following roads using monies received from Cobb County SPLOST (Special Purpose Local Option Sales Tax). As of February 1, 2007, the City has received approximately \$61,111.00 for resurfacing projects.

- Love Street to Veterans Memorial Highway
- Mulberry Street to Walker Street
- Love Street (Veterans Memorial Highway to grocery store)
- Spring Street (Veterans Memorial Highway to Austell Post Office)

Following are bids that have been received:

Southern Asphalt Paving and Construction Services, Inc.	\$25,600.00
A Buck Asphalt Paving	\$51,175.15
Able Asphalt Paving Company, Inc.	\$53,850.00
Butch Thompson Enterprises, Inc.	\$65,177.00

Mayor Jerkins suggested Randy Bowens Public Works Department to call other bidders to have the opportunity to bid, with the city providing the asphalt. Maybe the bids would be significantly lower.

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Mr. Traylor moved to follow the recommendation of Mayor Jerkins' suggestion for Randy Bowens to contact other bidders to bid with the city providing asphalt. Seconded by Ms. Boyd. Motion passed (5-0).

**12. PARKS DEPARTMENT
RANDY GREEN, CHAIRPERSON
Jim Graham, Director**

- A. No Report

**13. COMMUNITY DEVELOPMENT
BEVERLY JAMES BOYD, CHAIRPERSON
Jim Graham, Director**

- A. Rezoning Request – 5027 Flint Hill Road

Ms. Boyd stated this department has received a request from Shawndra Williams to rezone property located at 5027 Flint Hill Road, in LL 1157, parcel 28, of the 19th district, 2nd section of Cobb County from Heavy Industrial to Office and Institutional. This property has one existing house and Ms. Williams intends to use it as a day care facility. Ms. Boyd stated she would turn the hearing over to City Attorney, Scott Kimbrough.

Mr. Kimbrough stated Community Development has received a request from Shawndra Williams to rezone property located at 5027 Flint Hill Road, in LL 1157, parcel 28, of the 19th district, 2nd section of Cobb County from Heavy Industrial to Office and Institutional.

Mr. Kimbrough stated he would open the Public Hearing at this time. Mr. Kimbrough asked who was representing the Rezoning Request for 5027 Flint Hill Road. Ms. Williams stated she was the representative. Mr. Kimbrough asked Ms. Williams to please come forward and speak to the Mayor and Council.

Ms. Williams stated she would like to request the rezoning of the property located at 5027 Flint Hill Road, in LL 1157, parcel 28, of the 19th district, 2nd section of Cobb County from Heavy Industrial to Office and Institutional. The reason for this, I would like to open a day care center with approximately thirty-seven children.

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I would be renovating the existing house on the property as well as having a driveway poured to make incoming and outgoing traffic flow properly. Ms. Boyd asked if she was sure she would make a driveway and turn-around for the day care facility and Ms. Williams stated, yes, she would make the necessary changes.

Ms. Boyd moved to follow the recommendation of the Community Development Department to approve the request for rezoning at 5027 Flint Hill Road, in LL 1157, parcel 28, of the 19th district, 2nd section of Cobb County from Heavy Industrial to Office and Institutional. Seconded by Ms. Reagan. Motion passed (5-0).

B. Rezoning Request – Veterans Memorial Highway

Ms. Boyd stated this department has received a request from Michael Landers/Integrity Development Group to rezone property located on Veterans Memorial Highway, in LL 1303 and 1304, parcels 8 and 10 of the 19th District, 2nd Section of Cobb County from Planned Unit Development to Fee Simple Townhouses.

The intent of this property is to build a total of 68 town homes.

Ms. Boyd stated at this time she would turn the meeting over to City Attorney, Scott Kimbrough, for a public hearing. Mr. Kimbrough stated Community Development Department has received a request from Michael Landers/Integrity Development Group to rezone property located on Veterans Memorial Hwy in LL 1303 and 1304, parcels 8 and 10 of the 19th District, 2nd Section of Cobb County from Planned Unit Development to Fee Simple Townhouses.

Mr. Kimbrough asked who would be representing Integrity Development Group. Mr. John Stromness and Linda Gore introduced themselves to Mayor and Council and presented a packet with photos and maps of the proposed development called Commons at Buttermilk Creek. Mr. Stromness stated Integrity has gone to great lengths to ensure that the Commons at Buttermilk Creek will be a quality subdivision. We have set standards to ensure the lasting quality and beauty of this subdivision through restrictions and covenants. We believe the Commons at Buttermilk Creek will be a landmark success in so many ways. From the larger responsibility of stewardship for the land to the smallest architectural details connecting the town homes back to nature.

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I wish to thank the Mayor and Council for their time and consideration of our proposal. Mr. Kimbrough asked who had signed up to speak in opposition. Mr. Graham stated Ms. Ann Turner had signed up and submitted a Campaign Disclosure Report by Opposition as well as a letter submitting her objections but could not attend tonight because she was out of town. Mr. Kimbrough stated he would close the public hearing and turn the meeting over to Ms. Boyd.

Ms. Boyd stated she would like to include the stipulations in the minutes. They are as follows:

1. All units are to have a two-car garage.
2. All fronts and sides of buildings to be brick, stone or stucco with siding accents and must be approved by City staff.
3. The entrance signs must be ground based, lighted, sprinkled, landscaped, and must be approved by City staff.
4. Sidewalks are to be installed on the side of the road opposite of the water line.
5. A 25-foot or greater undisturbed buffer or a planted buffer (evergreen) approved by City staff must be installed on the eastern and western property lines.
6. All utilities to be underground.
7. All floors to be sprinkled and include mandatory firewalls.
8. Street lighting plans to be approved by City staff.
9. Front, rear, and sides of each building, to be landscaped with sod.
10. If any tree mitigation were to be needed, it will need to be in compliance with City tree ordinances, and each of these to be approved by City staff.
11. Developer to work with City staff to develop a passive area.

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12. A mandatory Homeowners Association must be created, and the City must be provided a copy of officer names, address and contact phone numbers.

The covenants must have the following:

- No garage can ever be built in.
- The Association must only have one approved sanitation company that will pickup garbage on the same day. Trash receptacles to be left out only the day pickups are scheduled.
- Fences can only be installed with permission from the City.
- No outside storage of any kind including toys, bikes, lawn equipment, or furniture.

Ms. Boyd moved to follow the recommendation of the Community Development Committee to approve the rezoning request. Seconded by Mr. Thomas. Motion passed (5-0).

C. Adoption of Georgia State Minimum Standard Codes

Ms. Boyd stated the Community Development Committee recommends approval of the adoption of the attached International Building Codes. This will replace the Southeastern Building Codes that are currently in place.

The City will still maintain our local and state codes that were previously adopted such as the recent Georgia Housing Code.

Ms. Boyd moved to follow the recommendation of the Community Development Committee to approve the adoption of Georgia State Minimum Standard Codes. Seconded by Mr. Thomas. Motion passed (5-0).

14. CITY ATTORNEY – DUPREE, KING & KIMBROUGH

A. No Report

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15. MAYOR'S REPORT

A. CMA Meeting

DATE: April 10, 2007
TIME: 6:30 P.M.
LOCATION: Austell- Threadmill

B. Property Demolition

Mayor Jerkins stated the structure located on the purchased City property at 2775 Mosley Street (corner of VMH and Love Street, old Kennesaw Finance bldg.) is in need of demolition in order to proceed with City Planning. The bids for demolition are as follows:

- B & D Concrete Cutting\$ 9,800.00
- MLS Concrete Cutting & Demolition.....\$12,600.00
- McCollum Service Company, Inc.....\$14,700.00

The lower bid from B & D Concrete Cutting is the recommendation. The funds for the demolition will come from the previously approved funding from the Austell Area Community Improvement Commission.

Ms. Boyd moved to follow the recommendation of Mayor Jerkins and approve the lowest bid, B & D Concrete Cutting. Seconded by Mr. Traylor. Motion passed (5-0).

C. Cobb Underage Drinking Task Force Resolution

Mayor Jerkins stated the Proclamation has been done and will be mailed to the Cobb Underage Drinking Task Force.

16. ADJOURN

Ms. Boyd moved to follow the recommendation of Mayor Jerkins to adjourn the meeting. Seconded by Ms. Reagan. Motion passed (5-0).